

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

JERRY W. COLEMAN,

Plaintiff,

v.

UNION PACIFIC RAILROAD  
COMPANY,

Defendant.

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4:10CV3137

FINDINGS AND RECOMMENDATION

Based on the court's record, the plaintiff's complaint, filed on July 16, 2010, was never served on the defendant and the defendant has not voluntarily appeared. The court ordered the plaintiff to show cause why this case should not be dismissed pursuant to Federal Rule of Civil Procedure 4(m) or for want of prosecution, and warned that absent a timely response, this case may be dismissed without further notice. The deadline for responding to the show cause order was December 3, 2010. No response was filed.

Accordingly,

IT IS RECOMMENDED to the Honorable Richard G. Kopf, United States District Judge, pursuant to 28 U.S.C. § 636(b), that plaintiff's complaint be dismissed for want of prosecution.

The parties are notified that failing to file an objection to this recommendation as provided in the local rules of this court may be held to be a waiver of any right to appeal the court's adoption of the recommendation.

DATED this 4th day of December, 2010.

BY THE COURT:

s/ Cheryl R. Zwart

United States Magistrate Judge